

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

SHARONE FUQUAN GOODWIN,)

)

Plaintiff)

)

vs.)

Case No. 4:05-CV-1750-RDP-HGD

)

ANTHONY MOSTELLA, et al.,)

)

Defendants)

MEMORANDUM OF OPINION

On March 17, 2008, the magistrate judge's report and recommendation was filed and the parties were allowed eleven (11) days to file objections to the recommendations made by the magistrate judge. No objections have been filed by either Plaintiff or Defendants.

Having carefully reviewed and considered *de novo* the record in this case, including the magistrate judge's report and recommendation, the court **ADOPTS** the report of the magistrate judge. The court further **ACCEPTS** the recommendations of the magistrate judge, and it is therefore **ORDERED, ADJUDGED** and **DECREED** that the special report filed by Defendants (Doc. #22) is considered as a motion for summary judgment and, as such, is **GRANTED IN PART** and **DENIED**

IN PART. Specifically, Defendants' motion for summary judgment as to Plaintiff's claims against them in their official capacities for monetary relief is due to be **GRANTED.** Defendants' motion for summary judgment as to Plaintiff's Eighth Amendment claims for excessive force and failure to protect is due to be **DENIED.**

An appropriate order will be entered.

DONE and **ORDERED** this 13th day of May, 2008.

A handwritten signature in black ink, appearing to read 'R. David Proctor', written over a horizontal line.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE